

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-CV-00322-JCB

Hilltop Church of the Nazarene,
Plaintiff,

v.

Church Mutual Insurance Company,
Defendant.

Before BARKER, *District Judge*

DEFENDANT'S WITNESS LIST

Judge J. Campbell Barker	PLAINTIFF'S ATTORNEY: G. BRIAN ODOM, LINDSEY P. BRUNING, AND KIRI DEONARINE	DEFENDANT'S ATTORNEY: PRESTON J. DUGAS III AND VINCENT P. CIRCELLI
TRIAL DATE(S): November 14, 2022	COURT REPORTER: SUSAN ZIELIE	COURTROOM DEPUTY: NICOLE CADENHEAD

	WITNESS NAME EMPLOYER TOPIC OF TESTIMONY	WILL CALL ("W") MAY CALL ("M") UNLIKELY TO CALL ("U")	EXPECTED TESTIMONY DURATION
1.	Dewade Wiggins Church Mutual Insurance Company Dewade Wiggins has knowledge of the policy and Plaintiff's claim made the basis of the lawsuit.	W	1 hour

	WITNESS NAME EMPLOYER TOPIC OF TESTIMONY	WILL CALL ("W") MAY CALL ("M") UNLIKELY TO CALL ("U")	EXPECTED TESTIMONY DURATION
2.	<p>Daniel J. Hillner, P.E. EFI Global</p> <p>Daniel J. Hillner may offer opinion and/or inference testimony regarding: (a) the design, construction, and physical condition of the insured property located at 10818 University Drive, Tyler, Texas 75707 (the "Property"), including the roofs, walls, and other exterior components of the Property purportedly damaged during a weather event on or about March 13-14, 2019; (b) the nature and extent of any physical damage sustained by the Property as a result of a weather event on or about March 13-14, 2019; and (c) the cause and origin of physical damage existing at the Property. Mr. Hillner may also respond to any reports, opinions, conclusions, evidence, or testimony offered by Plaintiff or its designated experts concerning any of the above or related topics. Mr. Hillner may also offer expert opinions and conclusions in response to any rebuttal reports, opinions, conclusions, evidence, or testimony that may be offered by Plaintiff and/or Plaintiff's designated experts.</p>	W	1-2 hours
3.	<p>Mike Hickey Leading Edge Claims Service</p> <p>Mike Hickey has knowledge of the property and Plaintiff's claim made the basis of the lawsuit.</p>	W	30 minutes-1 hour

	WITNESS NAME EMPLOYER TOPIC OF TESTIMONY	WILL CALL ("W") MAY CALL ("M") UNLIKELY TO CALL ("U")	EXPECTED TESTIMONY DURATION
4.	<p>Steven J. Badger Zelle LLP</p> <p>Mr. Badger may testify as a rebuttal witness regarding the reasonableness and necessity of the attorneys' fees and expenses incurred and/or requested by Plaintiff in this matter and, if necessary, on appeal. Mr. Badger may also testify as to the reasonableness and necessity of the attorneys' fees and expenses incurred by Defendant in connection with this matter and, if necessary, on appeal.</p>	M	30 minutes
5.	<p>Josh Ziegler Cavalry Construction</p> <p>Josh Ziegler may offer opinion and/or inference testimony regarding the cost of repairs to Plaintiff's Property for damage claimed by Plaintiff and its designated expert. Mr. Ziegler may also respond to any reports, opinions, conclusions, evidence, or testimony offered by Plaintiff or its designated expert concerning the above or any related topics. Mr. Ziegler may also offer expert opinions and conclusions in response to any rebuttal reports, opinions, conclusions, evidence, or testimony that may be offered by Plaintiff and/or Plaintiff's designated experts.</p>	W	1 hour
6.	<p>Duane Smith (adverse) Premier Adjustment Group, LLC/Insurance Adjusters Group LLC</p> <p>Duane Smith has knowledge of the property and Plaintiff's claim made the basis of the lawsuit.</p>	M	30 minutes

	WITNESS NAME EMPLOYER TOPIC OF TESTIMONY	WILL CALL ("W") MAY CALL ("M") UNLIKELY TO CALL ("U")	EXPECTED TESTIMONY DURATION
7.	Anayo Onyi (adverse) Stonewater Roofing Anayo Onyi has knowledge of the property, repairs performed at the property, and Plaintiff's claim made the basis of the lawsuit.	M	30 minutes
8.	Clayton Fourniquet (adverse) Hilltop Church of the Nazarene By and through counsel of record, Preston J. Dugas, III Clayton Fourniquet has knowledge of the property, repairs performed at the property, and Plaintiff's claim made the basis of the lawsuit.	M	30 minutes
9.	Michael Scarlett (adverse) Hilltop Church of the Nazarene By and through counsel of record, Preston J. Dugas, III Michael Scarlett has knowledge of the property, repairs performed at the property, and Plaintiff's claim made the basis of the lawsuit.	M	30 minutes
10.	James Maxwell Judge (adverse) JM Judge & Associates James Maxwell Judge has knowledge of the property, repairs performed at the property, and Plaintiff's claim made the basis of the lawsuit. Mr. Judge is Plaintiff's causation and damage expert and is expected to testify on those issues.	M	30 minutes

	WITNESS NAME EMPLOYER TOPIC OF TESTIMONY	WILL CALL ("W") MAY CALL ("M") UNLIKELY TO CALL ("U")	EXPECTED TESTIMONY DURATION
11.	Preston J. Dugas III (adverse) DUGAS, CHEEK & CIRCELLI, PLLC Preston J. Dugas III is expected to offer testimony with regard to the reasonableness and necessity of attorneys' fees.	M	30 minutes

Defendant Church Mutual reserves the right to call as a direct witness, examine and/or cross-examine all other witnesses offered by Plaintiff at the trial of this case.

DEFENDANT'S DESIGNATIONS OF DEPOSITION TESTIMONY

Defendant Church Mutual provides the following list of deposition excerpts that may be offered into evidence at trial. Defendant Church Mutual reserves the right not to use any portions of testimony designated and/or to use other portions of deposition transcripts not designated for purposes of rebuttal, impeachment, or completeness.

A. Witness Anayo Onyi

Page 25, Lines 4-14

Page 40, Lines 21-25

Page 41, Lines 1-23

B. Witness James Maxwell Judge

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Page 43, Lines 12-15

Page 43, Lines 24-25

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Page 47, Lines 4-16

Respectfully submitted,

ZELLE LLP

By: /s/ Lindsey P. Bruning

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**ATTORNEYS FOR DEFENDANT CHURCH
MUTUAL INSURANCE COMPANY**

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing has been served on the following counsel of record in accordance with FEDERAL RULES OF CIVIL PROCEDURE on this 6th day of September, 2022:

<p>Preston J. Dugas III State Bar No. 24050189 pdugas@dcclawfirm.com Vincent P. Circelli State Bar No. 24058804 vcircelli@dcclawfirm.com DUGAS, CHEEK & CIRCELLI, PLLC 1701 River Run, Suite 703 Fort Worth, TX 76107 Telephone: 817-945-3061 Facsimile: 682-219-0761</p> <p>ATTORNEYS FOR PLAINTIFF</p>	
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/s/ Lindsey P. Bruning

Lindsey P. Bruning